

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION

MDL No. 2:18-mn-2873-RMG

**This Document Relates to  
ALL CASES**

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**JOINT MOTION FOR ENTRY OF CASE MANAGEMENT ORDER  
APPOINTING PLAINTIFF AND DEFENSE LEADERSHIP  
FOR THE MARCH 2024 TO MARCH 2025 TERM**

Pursuant to CMO Nos. 2, 3, 10, 15, and 24, and the Court’s instructions, the Defense Co-Leads and Defense Coordinating Committee and the Plaintiffs’ Executive Committee (collectively, the “Parties”), jointly move for entry of a proposed case management order appointing Plaintiff and Defense Leadership for the March 2024 to March 2025 term (attached as Exhibit 1). In support of this Motion, the Parties state as follows:

1. In CMO Nos. 2, 3, 10, 15, and 24, the Court appointed attorneys as Plaintiffs’ Co-Lead Counsel and Liaison Counsel, as well as to the Plaintiffs’ Executive Committee (“PEC”). The Court also appointed attorneys as Defendants’ Co-Lead Counsel and Co-Liaison Counsel, as well as to the Defense Coordination Committee (“DCC”).

2. Each of those appointments were for one-year terms and each appointee is required to apply for continued service thereafter.

3. As it pertains to the PEC re-appointments, in order to be eligible for re-appointment, co-lead counsel has requested that each PEC member confirm their commitment to the PEC and this Court. Co-lead counsel requested that each member affirmatively agree that in order to seek

re-appointment, said PEC member is thereby confirming commitment to all prior PEC duties, obligations, and controlling case management orders. In doing so said PEC member also re-affirmed their commitment to: (1) work cooperatively with the PEC; (2) willingness to support and provide funding and work, as necessary and requested by co-lead counsel, to assist in the prosecution of the claims in this MDL both through work and financial resources as deemed necessary and warranted; and (3) the agreement to be bound by all Orders of this Court. Each prospective PEC renewal member has confirmed the above to co-lead counsel.

4. Second, Special Master Perry and Daniel Balhoff, Esq. of his office in connection with their appointment pursuant to CMO 18A dated June 8, 2021 [ECF 1686] and their role and familiarity with each PEC member as well as the additional member to be added hereby support the re-appointments to the PEC.<sup>1</sup> In their roles they have conducted interviews of each member and reviewed past-work performed, and they support the re-application of each PEC member at this time.

5. The Parties request the renewal of certain appointments as well as some additions and/or changes to the appointments to the Plaintiff and Defense Leadership, as set forth in the proposed case management order. For any newly requested appointments, the Parties can provide resumes for those proposed additional appointees to the Court for its review.

WHEREFORE, the Parties respectfully request that the Court enter the proposed case management order, attached as Exhibit 1.

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<sup>1</sup> As noted in the proposed order the PEC seeks to include Ms. Elizabeth Fegan as new PEC member. Ms. Fegan served as both Interim Class Counsel and then duly appointed Class Counsel in the DuPont Public Water Provider Settlement [ECF No. 4444] and the 3M Public Water Provider Settlement [ECF No. 4754]. Ms. Fegan has contributed significantly to these two settlements and her skills related to class actions are being used by the PEC consistently. Should the Court require a further application by Ms. Fegan, beyond what was submitted in the two motions for final approval [ECF 4080 and ECF 4273], she will do so under separate cover.

Dated: April 24, 2024

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